

Next scheduled Committee Meeting will be held in the Council Chambers, 201 Spring Street, Springdale, Arkansas.

- The date of the next Committee Meeting will be Monday, March 15, 2021.
- Committee agendas will be available on the Friday before this meeting.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, March 9, 2021
REVISED AGENDA

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mark Fougerousse

6:00 p.m. **OFFICIAL AGENDA**

1. Large Print agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk
Recognition of a Quorum
4. Comments from Citizens

The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
5. Approval of Minutes – February 23, 2021 **Pgs. 3 - 24**
6. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as item number(s) **8A, 8B, & 8C** . Motion must be approved by two-thirds (2/3) of the council members).
7. **A Resolution** to appoint Elmer Rodriguez to the Public Facilities Board of the City of Springdale. **Pgs. 25 - 27**
8. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development
 - A. **An Ordinance** amending Ordinance No. 5571, which rezoned certain lands from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) and declaring an emergency. The original Ordinance contained a scrivener's error. **Pgs. 28 & 29**
 - B. **An Ordinance** amending Article 4, Section 5 of the Zoning Ordinance of the City of Springdale, Arkansas (SEED, Springdale Elective Enhancement District) declaring an Emergency; and for other purposes. **Pgs. 30 - 34**
 - C. **An Ordinance** amending Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, the Downtown District Form Based Code; declaring an emergency; and for other purposes. **Pgs. 35 - 37**

9. Finance Committee by Chairman Jeff Watson
 - A. **A Resolution** authorizing the expenditure of funds to acquire a portion of land from Karleen King, for the 40th street Project (Falcon Road to Spring Creek Bridge), Project No. 18BPS4. Resolution forwarded from Committee with recommendation for approval. Pg. 38
 - B. **A Resolution** authorizing the City Attorney to settle a Condemnation Lawsuit wherein Karleen King is Defendant. Resolution forwarded from Committee with recommendation for approval. Pg. 39
 - C. **A Resolution** authorizing the transfer of property (4200 S. 56th Street) to Travel and Transportation International, LLC. Resolution forwarded from Committee with recommendation for approval. Pgs. 40 & 41
10. Committee of the Whole
 - A. **A Resolution** authorizing the Mayor and the City Clerk of the City of Springdale to accept a gift of land from Fellowship Club, Inc. Resolution forwarded from Committee with recommendation for approval. Pgs. 42 & 43
 - B. **A Resolution** authorizing the transfer of real property titled in the name of the City of Bethel Heights to the City of Springdale. Resolution forwarded from Committee with recommendation for approval. Pgs. 44 - 46
11. Comments from Council Members.
12. Comments from Department Heads.
13. Comments from City Attorney.
14. State of the City Address, Mayor Doug Sprouse.
15. Adjournment.

SPRINGDALE CITY COUNCIL
FEBRUARY 23, 2021

The City Council of the City of Springdale met in regular session on Tuesday, February 23, 2021, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 1
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougrousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Eng. & Public Works Director
Mark Gutte	IT Director
Chad Wolf	Parks & Recreation Director
Colby Fulfer	Assistant to the Mayor

APPROVAL OF MINUTES

Council Member Williams moved the minutes of the February 9, 2021 City Council meeting be approved as presented. Council Member Powell made the second.

There was a voice vote of all ayes and no nays.

RECOGNITION OF FORMER CITY COUNCIL MEMBERS

Former City Council Members were recognized for their years of service on the Springdale City Council. They were:

Jim Reed	13 Years	2007-2018 and 5-1-20 thru 12-31-20
Rick Evans	22 Years	1999-2020
Kathy Jaycox	22 Years	1999-2020

ANNUAL REPORT ON THE DOWNTOWN SPRINGDALE ALLIANCE AND OUTDOOR DINING DISTRICT

Jill Dabbs, Director of the Downtown Springdale Alliance, gave a report on the Springdale Downtown Alliance and the Outdoor Dining District approved last year. The Alliance keeps the calendar and schedules events for Shiloh Square and Turnbow Park. The Alliance recorded 5,000 people downtown for the four events it offered in 2020 – Live at Turnbow, Oktoberfest, Dia de los Muerto and Christmas on the Creeks.

Several new businesses opened in 2020 which was a huge accomplishment and there are more businesses undergoing expansion and growth in the downtown area

The Outdoor Dining District has been a really good activator and stimulator for downtown Springdale. Police Chief Peters reported there were zero incidents related to

the district in the five month time period and Parks and Recreation Director Chad Wolf reported there has been zero increase in litter and trash management.

PUBLIC HEARING – ORDINANCE TO ABANDON A PORTION OF A UTILITY EASEMENT AT 294 TREVI FONTANA

City Attorney Ernest Cate opened up a public hearing on Item 15 on tonight's agenda, an ordinance to abandon a portion of a utility easement at 294 Trevi Fontana.

There were no public comments.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Williams made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Powell made the second.

The vote:

Yes: Harriman, Fougrouse, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

RESOLUTION NO. 14-21 – APPROVING THE APPOINTMENT OF J. MAX VAN HOOSE TO THE WATER AND SEWER COMMISSION

Mayor Doug Sprouse presented a Resolution approving the appointment of J. Max Van Hoose to the Water and Sewer Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING THE APPOINTMENT OF J. MAX VAN HOOSE TO FILL A VACANCY ON THE SPRINGDALE WATER & SEWER COMMISSION

WHEREAS, the Springdale City Council adopted Ordinance No. 3592, thereby establishing a five-member board of Water and Sewer Commissioners;

WHEREAS, Terry McConnell is stepping down as a Commissioner, and the remaining Commissioners desire that J. Max Van Hoose be appointed to fulfill the remainder of the term on the Springdale Water and Sewer Commission which will expire on March 6, 2025; and

WHEREAS, pursuant to Ark. Code Ann. §14-234-304(d), in the event of a vacancy on the Commission, the vacancy shall be filled by the remaining Commissioners appointing a member, subject to the approval of two-thirds ($\frac{2}{3}$) of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of J. Max Van Hoose to fulfill the remainder of the term on the Springdale Water and Sewer Commission, with a term expiration date of March 6, 2025, is hereby approved.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

The Resolution was numbered 14-21.

**RESOLUTION NO. 15-21 – AUTHORIZING THE PURCHASE OF PROPERTY
LOCATED AT 400 PARK STREET, SPRINGDALE, WASHINGTON COUNTY,
ARKANSAS**

Council Member Jeff Watson presented a Resolution authorizing the purchase of property from Northwest Medical Center Auxiliary Thrift Shop located at 400 Park Street, Springdale, Washington County, Arkansas, in the amount of \$235,000.00 plus closing costs. This money will come out of CDBG Funds.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE PURCHASE
OF PROPERTY LOCATED AT 400 PARK STREET,
SPRINGDALE, WASHINGTON COUNTY,
ARKANSAS.**

WHEREAS, Northwest Medical Center Auxiliary Thrift Shop currently owns property located at 400 Park Street, Springdale, Washington County, Arkansas, Parcel Number 815-24901-000, ("the Property"), and more particularly described as follows:

A part of the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: The North 107 feet of Lots 1, 2, and 3 and the East 15 feet of Lot 61 of the Picnic Addition, an addition to the City of Springdale, Arkansas, per the plat of said addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

WHEREAS, the owner has agreed to sell the Property to the City of Springdale for the total sum of \$235,000.00, said amount being based on an appraisal commissioned by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of the Property in the amount of \$235,000.00, plus associated closing costs, to be paid from Community Development Block Grant funds.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Overton made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse

No: None

The Resolution was numbered 15-21.

RESOLUTION NO. 16-21 – AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND (TRACT 11) FROM TRINITY GRACE CHURCH OF NORTHWEST ARKANSAS FOR THE DIXIELAND ROAD PROJECT (PROJECT NO. 18BPS14)

Council Member Jeff Watson presented a Resolution authorizing the expenditure of funds to acquire a portion of land (Tract 11) from Trinity Grace Church of Northwest Arkansas for the Dixieland Road Project, Project No. 18BPS14.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM TRINITY GRACE CHURCH OF NORTHWEST ARKANSAS FOR THE DIXIELAND ROAD PROJECT (PROJECT NO. 18BPS14).

WHEREAS, the City of Springdale is in need of acquiring a portion of a tract of land for the Dixieland Road Project, Project No. 18BPS14, Tract 11, said land being owned by Trinity Grace Church of Northwest Arkansas;

WHEREAS, the City of Springdale has determined by appraisal that the sum of \$283,100.00 is the estimated just compensation for the property needed from Trinity Grace Church of Northwest Arkansas;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$325,565.00 to acquire the land needed for the project, said amount being based on an appraisal commissioned by Trinity Grace Church of Northwest Arkansas;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$42,465.00 to acquire the property needed from Trinity Grace Church of Northwest Arkansas, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire a portion of a tract of land for the Dixieland Road Project, Project No. 18BPS14, Tract 11, said land being owned by Trinity Grace Church of Northwest Arkansas for the total sum of \$325,565.00.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Harriman moved the Resolution be adopted. Council Member Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 16-21.

RESOLUTION NO. 17-21 – AUTHORIZING THE CITY ATTORNEY TO SETTLE TWO CONDEMNATION LAWSUITS WHEREIN STEVE GEELS AND LINDA GEELS ARE DEFENDANTS

Council Member Jeff Watson presented a Resolution authorizing the City Attorney to settle two condemnation lawsuits wherein Steve Geels and Linda Geels are defendants. The City of Springdale has filed two lawsuits against Steve Geels and Linda Geels to condemn easements across two tracts of property owned by the Geels for the Gene George Boulevard (Bleaux Avenue to Elm Springs Road) (Project 18BPS1), Tract 55 and Tract 56.

After the conclusion of the court-ordered mediation of these two cases, it is the recommendation of the Mayor and City Attorney that the City Council approve the additional sum of \$42,200.00 to settle these two lawsuits.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE TWO CONDEMNATION LAWSUITS WHEREIN STEVE GEELS AND LINDA GEELS ARE DEFENDANTS.

WHEREAS, the City of Springdale has filed two lawsuits against Steve Geels and Linda Geels to condemn easements across two tracts of property owned by the Geels for the Gene George Boulevard (Bleaux Avenue to Elm Springs Road) (Project 18BPS1), Tract 55 and Tract 56;

WHEREAS, the City of Springdale deposited the sum of \$56,300.00 into the Registry of the Court as estimated just compensation for the easements across the two subject properties;

WHEREAS, on February 10, 2021, the City and the property owners participated in court-ordered mediation of these two cases;

WHEREAS, after the conclusion of the court-ordered mediation of these two cases, it is the recommendation of the Mayor and City Attorney that the City Council approve the additional sum of \$42,200.00 to settle these two lawsuits, as this amount is

reasonable, is justified, will avoid the cost, expense, and risk of a trial, and said amount has been agreed upon by the Geels;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Steve Geels and Linda Geels condemnation lawsuits for the total sum of \$98,500.00, with the additional \$42,200.00 to be paid from the 2018 Street Bond Program Gene George Boulevard (Bleaux Avenue to Elm Springs Road) (Project 18BPS1).

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Williams moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams

No: None

The Resolution was numbered 17-21.

RESOLUTION NO. 18-21 – EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO UTILIZE STATE AID STREET MONIES FOR THE FOLLOWING CITY PROJECT: SPRINGDALE OVERLAY

Council Member Jeff Watson presented a Resolution expressing the willingness of the City of Springdale to utilize state aid street monies for the following city project: **Springdale Overlay**.

RESOLUTION NO. ____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF SPRINGDALE
TO UTILIZE STATE AID STREET MONIES
FOR THE FOLLOWING CITY PROJECT:
Springdale Overlay**

WHEREAS: the City of Springdale understands that State Aid Street Program funds are available for certain city projects at the following participating ratios:

	<u>Work Phase</u>	<u>State Aid%</u>	<u>City%</u>
Reconstruction/Resurfacing Construction of City Projects	Preliminary Engineering	100%	-0-
	Right of Way	-0-	100%
	Utilities	-0-	100%
	Construction	90%	10%
	Construction Engineering	100%	-0-
City projects programmed But not let to contract	All Phases	-0-	100%

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that:

SECTION 1: The City will participate in accordance with its designated responsibilities in this project.

SECTION 2: The Mayor, or his designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

SECTION 3: The City agrees upon completion of the project to assume the maintenance of the right-of-way by City Forces and/or others including utilities and individuals in accordance with the prevailing Arkansas Department of Transportation regulations.

SECTION 4: The City pledges its full support and hereby authorizes the Arkansas Department of transportation to initiate action to implement this project.

SECTION 5: The Mayor is hereby authorized, for this project, to institute eminent domain proceedings in any instance that an agreement has not been reached with the property owner regarding the amount of just compensation to be paid for the acquisition of property and easements. All settlements proposed by the Mayor that exceed the appraised value will be presented to the City Council for approval.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 18-21.

RESOLUTION NO. 19-21 – AUTHORIZING THE PURCHASE OF TWO TRACTS OF PROPERTY (PARCEL NUMBERS 21-00167-504 AND 21-00167-542) LOCATED ON DOWNUM ROAD, SPRINGDALE, BENTON COUNTY, ARKANSAS

Council Member Jeff Watson presented a Resolution authorizing the purchase of two tracts of land (Parcel Numbers 21-00167-504 and 21-00167-542) located on Downum Road, Springdale, Benton County, Arkansas. James Beavers and Priscilla Beavers are the owners of the property.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE
OF TWO TRACTS OF PROPERTY LOCATED ON
DOWNUM ROAD, SPRINGDALE, BENTON
COUNTY, ARKANSAS.**

WHEREAS, James Beavers and Priscilla Beavers currently owns two tracts of property located on Downum Road, Springdale, Benton County, Arkansas, Parcel Number 21-00167-504 and Parcel No. 21-00167-542, ("the Property"), and more particularly described as follows:

A PART OF THE SE1/4 OF THE NW1/4 AND A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 20, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR WHICH IS S86°02'31"E 117.23 FEET FROM THE SW CORNER OF SAID SE1/4 OF THE NW1/4 AND RUNNING THENCE N02°04'35"E 214.01 FEET TO AN EXISTING REBAR, THENCE S86°25'20"E 211.13 FEET TO AN EXISTING REBAR, THENCE S02°20'47"W 436.72 FEET TO AN EXISTING REBAR, THENCE N86°34'54"W 198.00 FEET, THENCE N02°39'16"E 223.18 FEET TO AN EXISTING REBAR, THENCE N86°02'31 "W 13.31 FEET TO THE POINT OF BEGINNING, CONTAINING 2.04 ACRES, MORE OR LESS.

WHEREAS, the owner has agreed to sell the Property to the City of Springdale for the total sum of \$139,900.00;

WHEREAS, the City wishes to purchase the Property upon the receipt of an appraisal showing the value of the Property to be at least \$139,900.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized, upon receipt of an appraisal of the Property showing the value of the Property to be at least \$139,900.00, to execute all documents necessary for the acquisition of the Property in the amount of \$139,900.00, plus associated closing costs, to be paid from the City's General funds.

PASSED AND APPROVED this _____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Watson moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 19-21.

ORDINANCE NO. 5566 – REZONING .665 ACRES OWNED BY MERRY LEE PHILLIPS LOCATED AT 408 N. THOMPSON STREET AT THE CORNER OF 71B AND W. MAPLE AVENUE, FROM C-2 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .665 acres owned by Merry Lee Phillips located at 408 N. Thompson Street at the corner of 71B and W. Maple Avenue, from C-2 to C-5; and declaring an emergency.

Planning Commission held a public hearing on February 2, 2021 and recommended approval.

After reading the title of the Ordinance, Council Member Powell moved the Ordinance “Do Pass”. Council Member Harriman made the second.

The vote:

Yes: Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores,

No: None

The Ordinance was numbered 5566.

ORDINANCE NO. 5567 – REZONING 2.16 ACRES OWNED BY CHANCAD LLC (BRIAN MOORE) LOCATED AT 529 EAST DON TYSON PARKWAY, ON THE SOUTH SIDE OF DON TYSON PARKWAY AND WEST SIDE OF POWELL STREET, FROM A-1 TO SF-3; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 2.16 acres owned by Chancad LLC (Brian Moore) located at 529 East Don Tyson Parkway, on the south side of Don Tyson Parkway and the west side of Powell Street, from A-1 to SF-3; and declaring an emergency.

Planning Commission held a public hearing on February 2, 2021 and recommended approval.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

SPRINGDALE CITY COUNCIL
FEBRUARY 23, 2021

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse

No: None

The Ordinance was numbered 5567.

ORDINANCE NO. 5568 – REZONING 4.62 ACRES OWNED BY SAUL AND DERIS CALDERON LOCATED AT 3161 NORTH THOMPSON STREET, ON THE EAST SIDE OF HIGHWAY 71B, FROM A-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.62 acres owned by Saul and Deris Calderon located at 3161 N. Thompson Street, on the east side of Highway 71B, from A-1 to C-2; and declaring an emergency.

Planning Commission held a public hearing on February 2, 2021 and recommended approval.

After reading the title of the Ordinance, Council Member Powell moved the Ordinance “Do Pass”. Council Member Harriman made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams

No: None

The Ordinance was numbered 5568.

ORDINANCE NO. 5569 – REZONING 4.78 ACRES OWNED BY DAVID AND NATASHA HARRIS LOCATED AT 964 MAESTRI ROAD, FROM A-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.78 acres owned by David and Natasha Harris located at 964 Maestri Road, from A-1 to C-2; and declaring an emergency.

Planning Commission held a public hearing on February 2, 2021 and recommended approval.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

SPRINGDALE CITY COUNCIL
FEBRUARY 23, 2021

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Ordinance was numbered 5569.

ORDINANCE NO. 5570 – REZONING 5.1 ACRES OWNED BY BRYAN AND SHANNON PASSMORE LOCATED AT 7132 BURR OAK ROAD, WEST END OF BURR OAK ROAD, FROM A-1 TO SF-1; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 5.1 acres owned by Bryan and Shannon Passmore located at 7132 Burr Oak Road, on the west end of Burr Oak Road, from A-1 to SF-1; and declaring an emergency.

Planning Commission held a public hearing on February 2, 2021 and recommended approval.

After reading the title of the Ordinance, Council Member Powell moved the Ordinance “Do Pass”. Council Member Fougrousse made the second.

The vote:

Yes: Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

The Ordinance was numbered 5570.

RESOLUTION NO. 5571 – REZONING 4.6 ACRES OWNED BY JACKIE AND SHERRY MOORE LOCATED AT 3300 CLYDE LANE, ON THE NORTH SIDE OF E. DON TYSON PARKWAY, FROM A-1 TO SF-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.6 acres owned by Jackie and Sherry Moore located at 3300 Clyde Lane, on the north side of E. Don Tyson Parkway, from A-1 to SF-2; and declaring an emergency.

Planning Commission held a public hearing on February 2, 2021 and recommended approval.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Powell made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse

No: None

The Ordinance was numbered 5571.

RESOLUTION NO. 20-21 – APPROVING A CONDITIONAL USE APPEAL BY
BRYAN K. AND SHANNON R. PASSMORE FOR A TANDEM LOT SPLIT ON
PROPERTY LOCATED AT 7132 BURR OAK ROAD IN A SF-1 ZONE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Bryan K. and Shannon R. Passmore for a tandem lot split on property located at 7132 Burr Oak Road in a SF-1 Zone.

A public hearing was held at the February 2, 2021 Planning Commission meeting.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL USE AT 7132
BUR OAK ROAD FOR BRYAN K. AND SHANNON R. PASSMORE
AS SET FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on February; 2, 2021 on a request by Bryan K. and Shannon R. Passmore for a conditional use for a Tandem Lot Split in a Low Density Single Family Residential District (SF-1) at 7132 Bur Oak Road; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no recommends that a conditional use be granted to Bryan K. and Shannon R. Passmore for a tandem lot split in a Low Density Single Family Residential District (SF-1) at 7132 Bur Oak Road with the following conditions – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Bryan K. and Shannon R. Passmore for a tandem lot split in a Low Density Single Family Residential District (SF-1) at 7132 Bur Oak Road with the following conditions – no conditions set.

PASSED AND APPROVED THIS ____ DAY OF FEBRUARY, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 20-21.

RESOLUTION NO. 21-21 – APPROVING A CONDITIONAL USE APPEAL BY DOMINIK AND ISABELLE MAERKI FOR A USE UNIT 36 (HORSES KEPT IN A RESIDENTIAL AREA) AT 8727 EAST WAGON WHEEL ROAD (SF-1 ZONE)

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Dominik and Isabelle Maerki for a Use Unit 36 (horses kept in a residential area) at 8727 East Wagon Wheel Road (SF-1 Zoned).

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 8727 EAST WAGON WHEEL ROAD FOR DOMINIK AND ISABELLE MAERKI AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on February 2, 2021 on a request by Dominik and Isabelle Maerki for a conditional use for a Use Unit 36 (Horses kept in a residential area) in a Low Density Single Family Residential District (SF-1) at 8727 East Wagon Wheel Road and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero no (0) recommends that a conditional use be granted to Dominik and Isabelle Maerki for a Use Unit 36 (Horses kept in a residential area) in a Low Density Single Family Residential District (SF-1) at 8727 East Wagon Wheel Road with the following conditions – Size of tract does not meet minimum requirements for keeping of horses; however the applicant has entered into a lease agreement with the Springdale Water & Sewer Commission for use of 2.7 acres of the Benton Farm Property to meet the required minimum lot size of 3 acres.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Dominik and Isabelle Maerki for a Use Unit 36 (Horses kept in a residential area) in a Low Density Single Family Residential District (SF-1) at 8727 East Wagon Wheel Road with the following conditions – Size of tract does not meet minimum requirements for keeping of horses; however the applicant has entered into a lease agreement with the Springdale Water & Sewer Commission for use of 2.7 acres of the Benton Farm Property to meet the required minimum lot size of 3 acres.

PASSED AND APPROVED THIS ____ DAY OF FEBRUARY, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougerousse, Powell, Williams

No: None

The Resolution was numbered 21-21.

RESOLUTION NO. 22-21 – APPROVING A CONDITIONAL USE APPEAL BY MARIA HERNANDEZ FOR A USE UNIT 44 (MOBILE VENDING) IN A GENERAL COMMERCIAL DISTRICT AT 4407-4409 SOUTH THOMPSON ON THE EAST SIDE OF HIGHWAY 71B

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Maria Hernandez for a Use Unit 44 (Mobile Vending) in a general commercial district at 4407-4409 S. Thompson on the east side of Highway 71B.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 4407-4409 SOUTH THOMPSON STREET FOR MARIA HERNANDEZ AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on February 2, 2021 on a request by Maria Hernandez for a conditional use for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) at 4407-4409 South Thompson Street; and

WHEREAS, following the public hearing the Planning Commission by a vote of Eight (8) yes and zero (0) no recommends that a conditional use be granted to Maria Hernandez for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) at 4407-4409 South Thompson Street with the following conditions –

- a. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
- b. No obstruction of parking spaces required for the operation of any other use on the site.
- c. Maintain on the site a minimum of three parking spaces designated for their use.
- d. If a health certificate is required, display the health certificate in a manner visible to customers.
- e. No obstruction of pedestrian or motor vehicle traffic flow.

- f. No obstruction of traffic signals or regulatory signs
- g. No vending upon a public way.
- h. Sound any device that produces a loud and raucous noise in violation of city ordinance or violate any other city ordinances in connection with the vending operation.
- i. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Maria Hernandez for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) at 4407-4409 South Thompson with the following conditions --

- a. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
- b. No obstruction of parking spaces required for the operation of any other use on the site.
- c. Maintain on the site a minimum of three parking spaces designated for their use.
- d. If a health certificate is required, display the health certificate in a manner visible to customers.
- e. No obstruction of pedestrian or motor vehicle traffic flow.
- f. No obstruction of traffic signals or regulatory signs
- g. No vending upon a public way.
- h. Sound any device that produces a loud and raucous noise in violation of city ordinance or violate any other city ordinances in connection with the vending operation.
- i. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.

PASSED AND APPROVED THIS ____ DAY OF FEBRUARY, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 22-21.

RESOLUTION NO. 23-21 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO TREY THOMPSON IN CONNECTION WITH 4078 CARRIAGE CROSSING, A SINGLE FAMILY DWELLING

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Trey Thompson in connection with 4078 Carriage Crossing, a single family dwelling.

Planning Commission reviewed the request at their February 2, 2021 meeting and recommended denial of the waiver request.

After discussion, Council Member Overton moved the Resolution be adopted with Option 2 (Denial). Council Member Lawson made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO TREY THOMPSON IN CONNECTION WITH 4078 CARRIAGE CROSSING A SINGLE FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks and in connection with 4078 Carriage Crossing a single family dwelling for Trey Thompson and the Planning Commission recommends denial of the waiver request by a unanimous vote.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 2: Denies a waiver of street improvements to Carriage Crossing including drainage improvements related thereto, sidewalks in connection with 4078 Carriage Crossing, a single family dwelling.

PASSED AND APPROVED THIS ____ DAY OF FEBRUARY, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

Yes: Lawson, Flores, Fougrousse, Powell, Watson, Overton

No: Harriman, Williams

The Resolution was numbered 23-21.

RESOLUTION NO. 24-21 – AUTHORIZING THE GRANT OF WATER/SEWER EASEMENTS TO THE SPRINGDALE WATER AND SEWER COMMISSION ACROSS PROPERTY OWNED BY THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS (AT THE END OF MARTIN DRIVE)

Council Member Jeff Watson presented a Resolution authorizing the grant of water/sewer easements to the Springdale Water and Sewer Commission across property owned by the City of Springdale, Washington County, Arkansas, at the end of Martin Drive.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE GRANT OF WATER/SEWER EASEMENTS TO THE SPRINGDALE WATER AND SEWER COMMISSION ACROSS PROPERTY OWNED BY THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, the City of Springdale, Arkansas, owns property located on Martin Drive, known as Parcel No. 815-20239-000, Washington County, Arkansas ("the Property");

WHEREAS, the Springdale Water and Sewer Commission is in need of documenting water/sewer easements across the Property for water/sewer improvements, as shown on the map attached hereto;

WHEREAS, the water/sewer easements are necessary for the documentation and preservation of existing water/sewer facilities in the area of the Property, and will be beneficial to future growth and development of the area; and

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document (Exhibit "A") when authorized to do so by Resolution approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute the attached easement document granting water/sewer easements across the Property to the Springdale Water and Sewer Commission.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Williams moved the Resolution be adopted. Council Member Harriman made the second.

The vote:

Yes: Flores, Harriman, Fougerousse, Powell, Williams, Watson, Overton, Lawson

No: None

The Resolution was numbered 24-21.

RESOLUTION NO. 25-21 – AUTHORIZING THE TRANSFER OF PROPERTY (NOT USED IN THE CONSTRUCTION OF FIRE STATION #8) TO THE SPRINGDALE PUBLIC FACILITIES BOARD

Council Member Jeff Watson presented a Resolution authorizing the transfer of property (not used in the construction of Fire Station #8) to the Springdale Public Facilities Board.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSFER OF PROPERTY TO THE SPRINGDALE PUBLIC FACILITIES BOARD.

WHEREAS, in September 2018, the Springdale Public Facilities Board transferred property it owned to the City of Springdale for the purpose of the construction of Fire Station #8;

WHEREAS, the City did not utilize all of the property transferred in the construction of Fire Station #8, and now wishes to transfer the remaining property ("the Property") back to the Springdale Public Facilities Board, said property being located in the City of Springdale, Washington County, Arkansas, said land being more particularly described as follows:

A PART OF LOT 10-B, R.L. HAYES SUBDIVISION, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 15 AT PAGE 140 ALSO BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, SAID POINT BEING A FOUND IRON PIN WITH CAP "ESI COA 131"; THENCE ALONG THE SOUTH LINE OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 31, S87°35'14"E A DISTANCE OF 285.01 FEET A SET IRON PIN WITH CAP "PLS 1156" AT THE SOUTHWEST CORNER OF SAID LOT 10-A; THENCE ALONG THE WEST LINES OF SAID LOTS 10-A AND 10-B ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF KAWNEER DRIVE, N02°36'57"E A DISTANCE OF 226.53 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE CONTINUING N02°36'57"E A DISTANCE OF 152.17 FEET TO THE NORTHWEST CORNER OF SAID LOT 10-B AND A FOUND IRON PIN WITH CAP "RLS 1130"; THENCE LEAVING SAID WEST LINES AND ALONG THE NORTH LINE OF SAID LOT 10-B, S87°45'05"E A DISTANCE OF 374.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 10-B AND A FOUND IRON PIN WITH CAP "RLS 1130"; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINES OF SAID LOT 10-B, S02°26'08"W A DISTANCE OF 153.24 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID EAST LINES, N87°35'14"W A DISTANCE OF 374.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.31 ACRES (57,217 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD AND FACT.

WHEREAS, Arkansas law empowers and authorizes the City to sell or transfer real property it owns, subject to approval by the City Council;

WHEREAS, given the benefits derived to the City from the property transferred to the City for Fire Station #8, it is reasonable to transfer the remaining property back to the Springdale Public Facilities Board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute all documents necessary to effect the transfer of the Property to the Public Facilities Board.

PASSED AND APPROVED this _____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

The Resolution was numbered 25-21.

RESOLUTION NO. 26-21 – DESIGNATING A PROJECT FOR THE USE OF FUNDS CONTRIBUTED (\$2,000,000.00) BY THE SPRINGDALE PUBLIC FACILITIES BOARD TO GO TOWARDS THE LUTHER GEORGE PARK IMPROVEMENT PROJECT

Council Member Mike Lawson presented a Resolution designating a project for the use of funds contributed (\$2,000,000.00) by the Springdale Public Facilities Board, to go towards the Luther George Park Improvement Project.

RESOLUTION NO. _____

A RESOLUTION DESIGNATING A PROJECT FOR THE USE OF FUNDS CONTRIBUTED BY THE SPRINGDALE PUBLIC FACILITIES BOARD.

WHEREAS, the City of Springdale is planning to widen and make other improvements to Kendrick Avenue between Arkansas Highway 265 and Old Wire Road;

WHEREAS, the Springdale Public Facilities Board owns real property located on both sides of Kendrick Avenue, is marketing this property for future industrial development, and will benefit from the Kendrick Avenue Street Improvement Project;

WHEREAS, the Springdale Public Facilities Board wishes to contribute to a project as designated by the Springdale City Council;

WHEREAS, on June 16, 2020, the Springdale Public Facilities Board adopted a Resolution memorializing its commitment to contribute the sum of Two Million Dollars (\$2,000,000.00) to the City of Springdale, with said sum to be derived from the sale of Springdale Public Facilities Board owned property, to be applied to the cost of any project designated by Resolution of the Springdale City Council; and

WHEREAS, the City of Springdale wishes to designate the project for which the aforementioned funds contributed by the Springdale Public Facilities Board will be applied.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Luther George Park

SPRINGDALE CITY COUNCIL
FEBRUARY 23, 2021

Improvement Project is hereby designated as the project for which the \$2,000,000.00 contribution from the Springdale Public Facilities Board will be applied, and the City Clerk shall direct that a copy of this Resolution be communicated to the Springdale Public Facilities Board.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

The Resolution was numbered 26-21.

RESOLUTION NO. 27-21 – AUTHORIZING THE GRANT OF A GENERAL UTILITY/WATER/SEWER EASEMENT ACROSS PROPERTIES (SHAW PARK PARCEL NUMBERS 21-00167-471 AND 21-00167-545) OWNED BY THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS

Council Member Mike Lawson presented a Resolution authorizing the grant of a general utility/water/sewer easement across properties (Shaw Park Parcel Numbers 21-00167-471 and 21-00167-545) owned by the City of Springdale, Benton County, Arkansas.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE GRANT OF A GENERAL UTILITY/WATER/SEWER EASEMENT ACROSS PROPERTIES OWNED BY THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS.

WHEREAS, the City of Springdale, Arkansas, owns properties known as Parcel No. 21-00167-470, Parcel No. 21-00167-471, and Parcel No. 21-00167-545, Benton County, Arkansas ("the Properties");

WHEREAS, the Springdale Water and Sewer Commission is in need of a water/sewer easement across the Properties for water/sewer improvements, as shown on the attached Exhibit "A";

WHEREAS, the water/sewer easement is necessary for the construction and improvement of water/sewer facilities to enhance capacity in the area of the Properties, and will be beneficial to future growth and development of the area;

WHEREAS, certain utility lines were relocated as a result of the construction of Shaw Family Park, and it is necessary that a general utility easement be granted to document and preserve these easements; and

SPRINGDALE CITY COUNCIL
FEBRUARY 23, 2021

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document (Exhibit "B") when authorized to do so by Resolution approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute the attached easement document granting a general utility/water/sewer easement across the Properties.

PASSED AND APPROVED this ____ day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Flores made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse

No: None

The Resolution was numbered 27-21.

ORDINANCE NO. 5572 – RELEASING, VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT LOCATED AT 294 TREVI FONTANA PLACE, LOT 1, BENEDETTO SUBDIVISION, IN SPRINGDALE, WASHINGTON COUNTY, ARKANSAS AND TO DECLARE AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance releasing, vacating and abandoning a portion of a utility easement located at 294 Trevi Fontana Place on Lot 1, Benedetto Subdivision in Springdale, Washington County, Arkansas and to declare an emergency.

Francisco Saenz and Adriana Saenz are the petitioners.

There were no comments made at the public hearing held earlier tonight.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell

No: None

Council Member Harriman moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams

SPRINGDALE CITY COUNCIL
FEBRUARY 23, 2021

No: None

The Ordinance was numbered 5572.

ORDINANCE NO. 5573 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 1205 CRUTCHER AND 2007A CYPRESS WITHIN THE CITY OF SPRINGDALE, ARKANSAS

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 1205 Crutcher and 2007A Cypress within the City of Springdale, Arkansas.

After reading the title of the Ordinance, Council Member Powell moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

Council Member Harriman moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Ordinance was numbered 5573.

PUBLIC WORKS DEPARTMENT THANKED

The Public Works Department was thanked for the work they did during the recent snow storm in Springdale.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Lawson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 7:06 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

RESOLUTION NO. _____

**A RESOLUTION MAKING AN APPOINTMENT
TO THE PUBLIC FACILITIES BOARD
OF THE CITY OF SPRINGDALE**

WHEREAS, the term of Blake Hanby who held Seat #1 on the Public Facilities Board expired on January 31, 2021, and

WHEREAS, A.C.A. 14-137-108 provides that appointments for these positions will be nominated by a majority of the board and appointed by the Mayor subject to approval of the City Council, and

WHEREAS, the Public Facilities Board recommends the appointment of Elmer Rodriguez to Seat #1 to fill the expired term, this term expires January 31, 2026, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Elmer Rodriguez as a board member to Seat #1, term expires January 31, 2026 of the Public Facilities Board is hereby approved.

PASSED AND APPROVED this 9th day of March, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Springdale Public Facilities Board

P.O. Box 166
Springdale, AR 72765

March 3, 2021

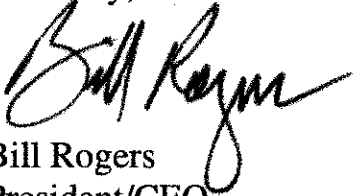
Mayor Doug Sprouse
201 N. Spring Street
Springdale, AR 72764

Mayor Sprouse,

Springdale Public Facilities Board member Blake Hanby has recently relocated and no longer lives in the city of Springdale. With his term having expired January 31, 2021, I respectfully request that you appoint Mr. Elmer Rodriguez to fill that position on the Board.

Mr. Rodriguez is a senior vice president of First Security Bank and also holds a board position with the Springdale Chamber of Commerce. The Board believes he will be a positive contributor and would appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Rogers", written in a cursive style.

Bill Rogers
President/CEO
Springdale Chamber of Commerce

Beth Parnell

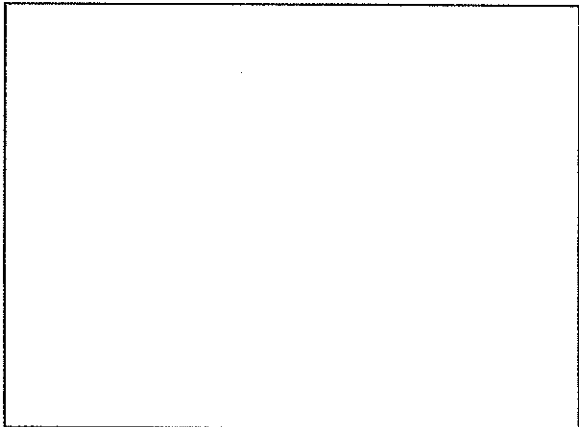
From: Bill Rogers <bill@chamber.springdale.com>
Sent: Friday, March 05, 2021 9:23 AM
To: Beth Parnell
Subject: RE: Elmer Rodriguez contact Information and Bio

Elmer Rodriguez is currently a Loan Officer/Banking Center Manager and Assistant VP at First Security Bank where he has worked since 2013. Rodriguez has been in banking for almost 18 years. He serves as a board member for the Springdale Chamber of Commerce and Business and Industry Training. He has been a resident of Springdale since 2007. He and his wife enjoy exploring all that NWA and Springdale have to offer.

Elmer Rodriguez
First Security Bank
AVP, Loan Officer
Branch Manager
NMLS# 884056
100 West Emma
Springdale, AR 72764



BILL ROGERS, IOM
President
Springdale Chamber of Commerce
P.O. Box 166 Springdale, AR 72765
479.872.2222 | springdale.com



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5571, WHICH REZONED CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND DECLARING AN EMERGENCY.

WHEREAS, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 5571 on the 23rd day of February, 2021, which amended the zoning ordinance for the City of Springdale by rezoning certain lands from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2);

WHEREAS, Ordinance No. 5571 contained a scrivener's error by incorrectly stating the legal description of the property subject to the rezoning; and

WHEREAS, Ordinance No. 5571 should be amended to correct the legal description of the property rezoned by Ordinance No. 5571, as follows:

Layman's Description: 3300 Clyde Lane

Legal Description: A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS SOUTH 89 DEGREES 43 MINUTES 40 SECONDS EAST 335.0 FEET FROM THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE SOUTH 89 DEGEES 43 MINUTES 40 SECONDS EAST 224.0 FEET; THENCE NORTH 02 DEGREES 07 MINUTES 40 SECONDS EAST 380.30 FEET, THENCE NORTH 87 DEGREES 09 MINUTES 38 SECONDS WEST 50.0 FEET; THENCE NORTH 05 DEGREES 25 MINUTES 09 SECONDS EAST 413.66 FEET; THENCE SOUTH 85 DEGREES 55

MINUTES 38 SECONDS EAST 47.31 FEET TO THE CENTERLINE OF CLYDE LANE, THENCE NORTH 24 DEGREES 26 MINUTES 47 SECONDS WEST ALONG SAID CENTERLINE 120.74 FEET; THENCE NORTH 20 DEGREES 36 MINUTES 57 SECONDS WEST 117.23 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 40 SECONDS WEST 30.0 FEET; THENCE SOUTH 19 DEGREES 56 MINUTES 04 SECONDS EAST 122.40 FEET; THENCE SOUTH 80 DEGREES 01 MINUTES 37 SECONDS WEST ALONG AN EXISTING FENCE 200.47 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 05 SECONDS EAST ALONG AN EXISTING FENCE 859.91 FEET TO THE POINT OF BEGINNING, CONTAINING 4.60 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IS CLYDE LANE ROAD RIGHT-OF-WAY ON THE NORTHEAST SIDE OF HEREIN DESCRIBED TRACT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 5571 is hereby amended as provided herein;

SECTION 2: Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

ATTEST:

Doug Sprouse, Mayor

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 4, SECTION 5 OF
THE ZONING ORDINANCE OF THE CITY OF
SPRINGDALE, ARKANSAS, DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Article 4, Section 5 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations for the various special zoning districts in the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to add a new special zoning district to Article 4, Section 5 of the Zoning Ordinance of the City of Springdale, Arkansas, to be known as the Springdale Elective Enhancement District;

WHEREAS, a public hearing was held before the Springdale Planning Commission on March 2, 2021, after notice was given of said hearing as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: Article 4, Section 5 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to add a new subsection, Section 5.5, to read as follows:

5.5 SEED – Springdale Elective Enhancement District

PURPOSE

In 2015, the City Council of the City of Springdale passed an ordinance establishing the Downtown Master Plan. The intent of the Downtown Master Plan was to promote, preserve, and enhance the development, preservations, and beautification of downtown Springdale. A collaborative effort was undertaken to develop regulations for downtown Springdale to ensure the goals of the adopted Master Plan. The Downtown District Form-Based Code was created and designed to foster a setting for economic growth and development in a sustainable mixed-use pattern integrating residential with employment and commercial uses as well as civic and recreational opportunities.

The Downtown District Form-Based Code was applied to new, infill development and re-development in a designated downtown area in order to achieve the vision set forth in the Downtown Master Plan and to provide a mechanism to implement the goals enumerated in the Downtown District Form-Based Code using both public and private sector investment that would serve to enhance the aesthetic beauty of the City and the economic value of property and general welfare of the citizens in the City.

The Downtown District Form-Based Code was created by Ordinance No. 5152, adopted by the Springdale City Council on March 28, 2017, and completely replaced any and all existing zoning codes for any property within the boundaries as designated in the Downtown District. The Downtown District Form-Based Code is codified as Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas.

The Downtown District Form-Based Code created a core area for implementation that is different than traditional zoning. Traditional zoning regulates development primarily by use (residential, industrial, commercial) where districts are filled by a primary use category. This categorization makes mixed-use, pedestrian-oriented development difficult or even illegal. Traditional zoning results in dispersed land

uses with excessive land consumption and pedestrian unfriendly streets. Form-based codes de-emphasizes land use in favor of building form and typology encouraging a greater mix of uses and housing types and while placing stronger emphasis on the design of the public realm.

The Springdale Elective Enhancement District (SEED) is a special zoning district designed to unify outlying neighborhoods of the downtown Springdale area into the thriving, livable community vision set forth within the Downtown District Form-Based Code by establishing a framework for incremental progress towards an application of the Downtown District Form-Based Code in a specifically outlined area. Areas adjacent to the Downtown District Form-Based Code areas are mapped and identified below giving individual properties the option to request the provision of the SEED or develop under the standard provision of the adopted zoning map of the City.

The SEED district provides developers and property owners with the tools and creative flexibility found within the Downtown District Form-Based Code in areas of the city which are currently regulated under the traditional zoning boundaries. By allowing for high quality development which serves the growing need for a variety of housing options and overly housing affordability, the SEED district creates increased opportunity for infill-focused development.

The SEED district is designed to promote quality infill that exhibits sustainable construction and excellence through architectural design, preserving significant aspects of the natural character of the land creating cohesive and engaging communities through the use of pedestrian oriented design elements. With the ability to use single or multiple land use activities organized in a comprehensive manner developers and business owners are able to better serve the needs of the community while keeping with the context of the surrounding neighborhood.

The SEED district permits flexibility in the choice of building envelope standards along with building development standards that places a primary emphasis on physical form and placemaking, with a secondary focus on land uses as outlined and contained in the adopted Downtown District Form-Based Code, as amended from time to time.

Similar to the Planned Unit Development (PUD) district, the SEED district is established to permit the development and zoning review into one process. The combined review permits a development proposal to be acted upon simultaneously by the developer and the city to effectively regulate in a cohesive, consistent, and predictable manner. The SEED development remains intact even if transfer in ownership occurs and represents a joint commitment by both the developer and the city.

APPLICATION PROCESS

A request for a Springdale Elective Enhancement District shall follow the rezoning procedures initiated by private parties set forth in Article 2, Section 11 of this Chapter. In addition, the application for certificates of conformity outlined in the Downtown District Form-Based Code referred to above shall be included with the rezoning application for the areas authorized for SEED development.

The following factors shall be used for the evaluation of a request for a Springdale Elective Enhancement District:

- a. Evaluation of the existing structures of the area at the block or neighborhood level, specifically in regards to compatibility of typical bulk, form, and architectural character.
- b. Reference to the existing subdivision plat (if available) for historical context of the area.

- c. Ability of the proposed development to function cohesively within the surrounding area or neighborhood to create quality placemaking based on the proposed building envelope type.
- d. Location of the proposed development in relation to nearby amenities such as public parks, schools, and trail systems.

APPLICABILITY

Upon approval of a SEED zoning as set forth in Article 2, Section 11 of this Chapter on a parcel or combination of parcels, all proposed improvements thereon shall be subject to procedures, standards, and guidelines as specified in the Downtown District Form-Based Code. The use requirements in the zones shall apply unless specific changes are made to the Downtown District Form-Based Code and in no case shall a use not otherwise allowed in a zone be added.

REFERENCES

The Downtown District Form-Based Code above completely replaces any and all existing zoning codes as set forth in this chapter that would currently exist with the previous zoning. In interpreting and applying the provision of the Downtown District Form-Based Code, they are the minimum requirements.

OTHER APPLICABLE REGULATIONS

All development must comply with relevant Federal, State and other City regulations. Whenever any provision of this section imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City ordinance or regulation, the provisions of this section shall govern unless preempted by State or Federal law.

CONFLICTS

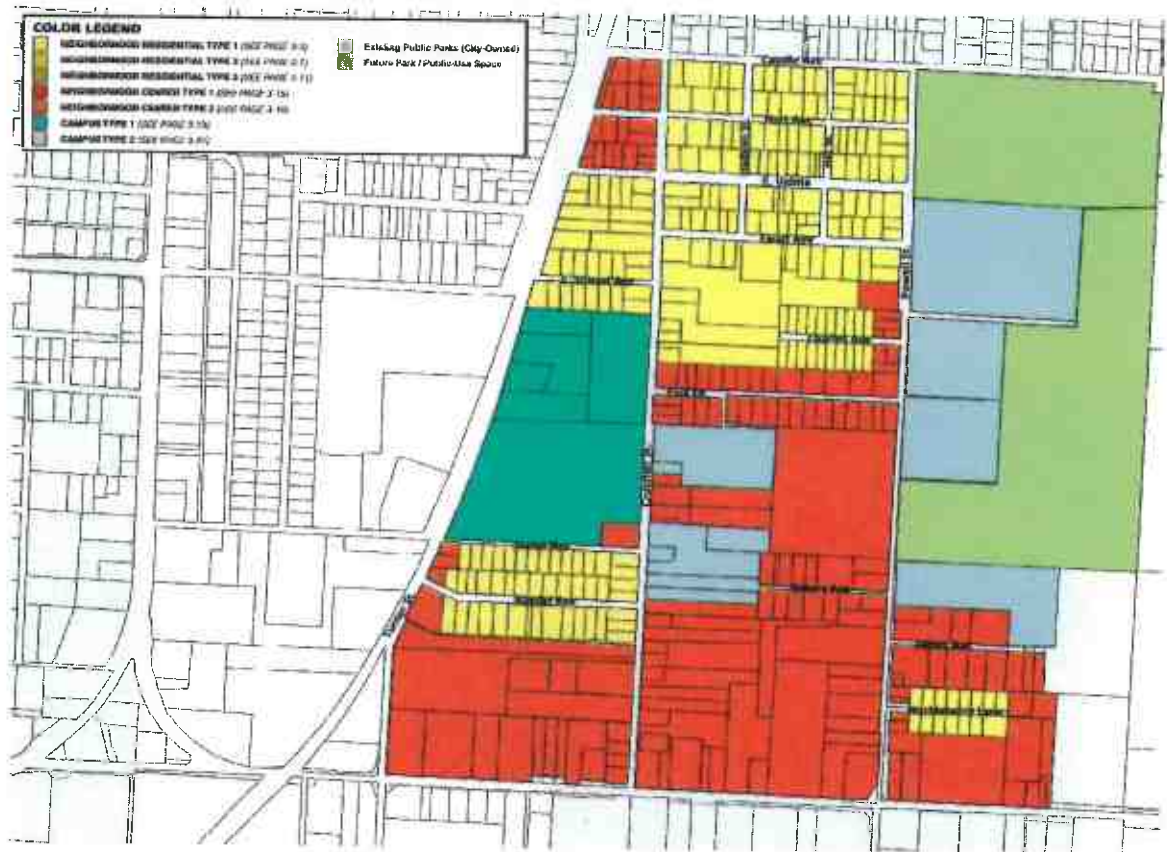
Where apparent conflicts exist between the provisions of this section and other existing ordinances, regulations, or permits, or by easements, covenants, or agreements the Planning Director shall determine, based on which best meets the requirements of this section which provisions shall govern.

DESIGNATED SEED AREAS

Two areas adjacent to the downtown district have been identified as potential areas of transition between the downtown core, with its mixed use emphasis to the lower density residential neighborhoods on the outskirts or edge of the defined downtown and areas of greatest potential for infill and redevelopment.

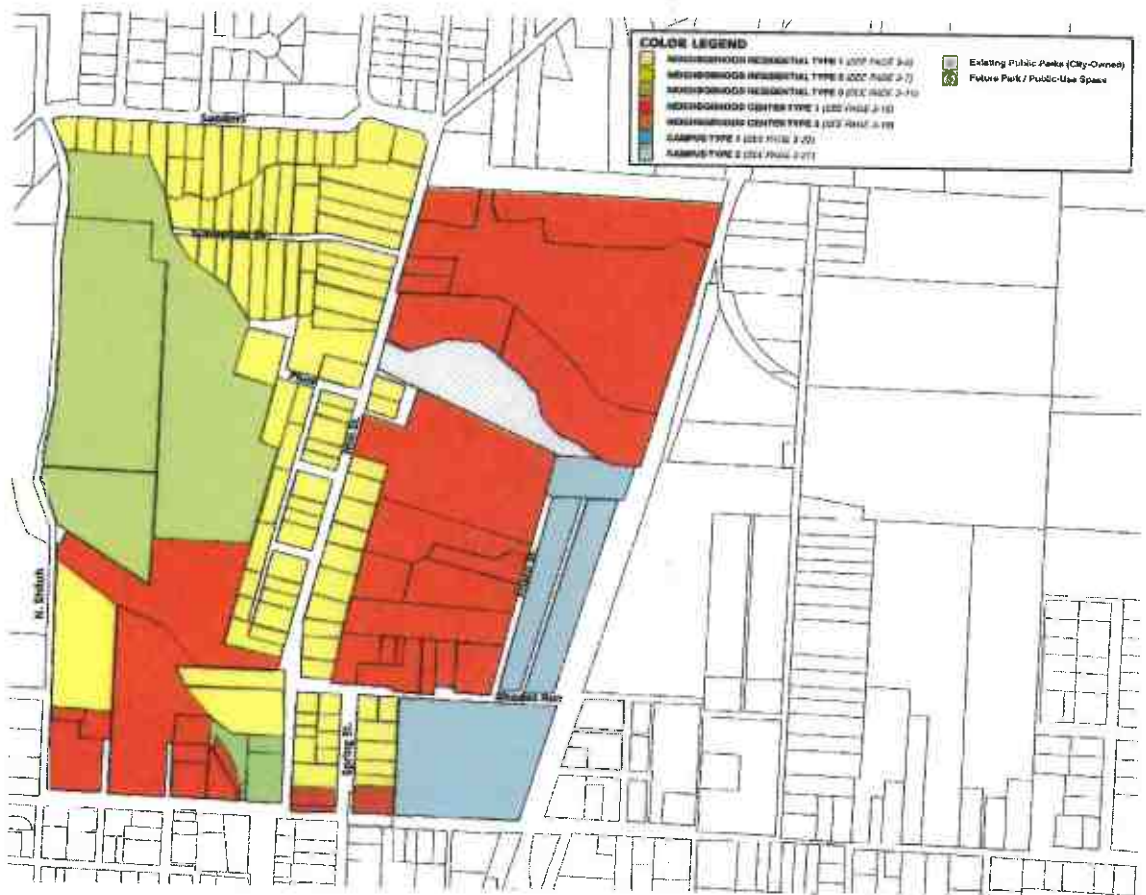
5.5.1 Powell Street SEED

- a. District Boundary: Beginning at the intersection of Thompson Avenue (Highway 71B) and Quandt Avenue east to Holcomb Street; south on Holcomb Street to the intersection of Caudle Avenue; east on Caudle Avenue to Ellis Lane (western boundary of the Springdale Municipal Airport property); western boundary of the Springdale Municipal Airport to Robinson Avenue (Highway 412 E); Robinson Avenue west to South Turner Street; north on Turner Street to Quandt Avenue
- b. Regulating Plan: The purpose of the Regulating Plan for the district is to establish zones of a particular desired scale and bulk within the Downtown District Form-Based Code in order to effectively regulate the form of improvements and to enhance the atmosphere of the neighborhood through cohesive urban form and character.



5.5.2 Mill Street SEED

- a. **District Boundary:** Beginning at the intersection of Huntsville Avenue and N. Shiloh Street; north along Shiloh Street to Sanders Avenue; Sanders Avenue east to Mill Street; continuing east along a property lines to the western right-of-way of the Arkansas Missouri Railroad; south along the western right-of-way line to Huntsville Avenue; west along Huntsville Avenue to N. Shiloh Street.
- b. **Regulating Plan:** The purpose of the Regulating Plan for the district is to establish zones of a particular desired scale and bulk within the Downtown District Form-Based Code in order to effectively regulate the form of improvements and to enhance the atmosphere of the neighborhood through cohesive urban form and character.



Section 2: All other provisions of Article 4, Section 5 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause: The implementation of the amended ordinance will be unreasonably delayed if not allowed to take affect immediately, and therefore an emergency is hereby declared to exist and this ordinance shall become effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2021.

 Doug Sprouse, Mayor

ATTEST:

 Denise Pearce, City Clerk

APPROVED AS TO FORM:

 Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 32 OF THE
CODE OF ORDINANCES OF THE CITY OF
SPRINGDALE, ARKANSAS, THE DOWNTOWN
DISTRICT FORM BASED CODE; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, contains the Downtown District Form Based Code for the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to adopt revisions to the Downtown District Form Based Code for the City of Springdale, Arkansas;

WHEREAS, a public hearing was held before the Springdale Planning Commission on March 2, 2021, after notice was given of said hearing as required by law;

WHEREAS, notice of the consideration of this Ordinance was also published pursuant to Ark. Code Ann. §14-55-207;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1. There is adopted by reference a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Springdale, Arkansas, for inspection and view by the public, and being marked and designated as the "Downtown District Form-Based Code", for the City of Springdale, Arkansas.

Section 2. All other provisions of Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

Section 3. Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 9th day of March, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

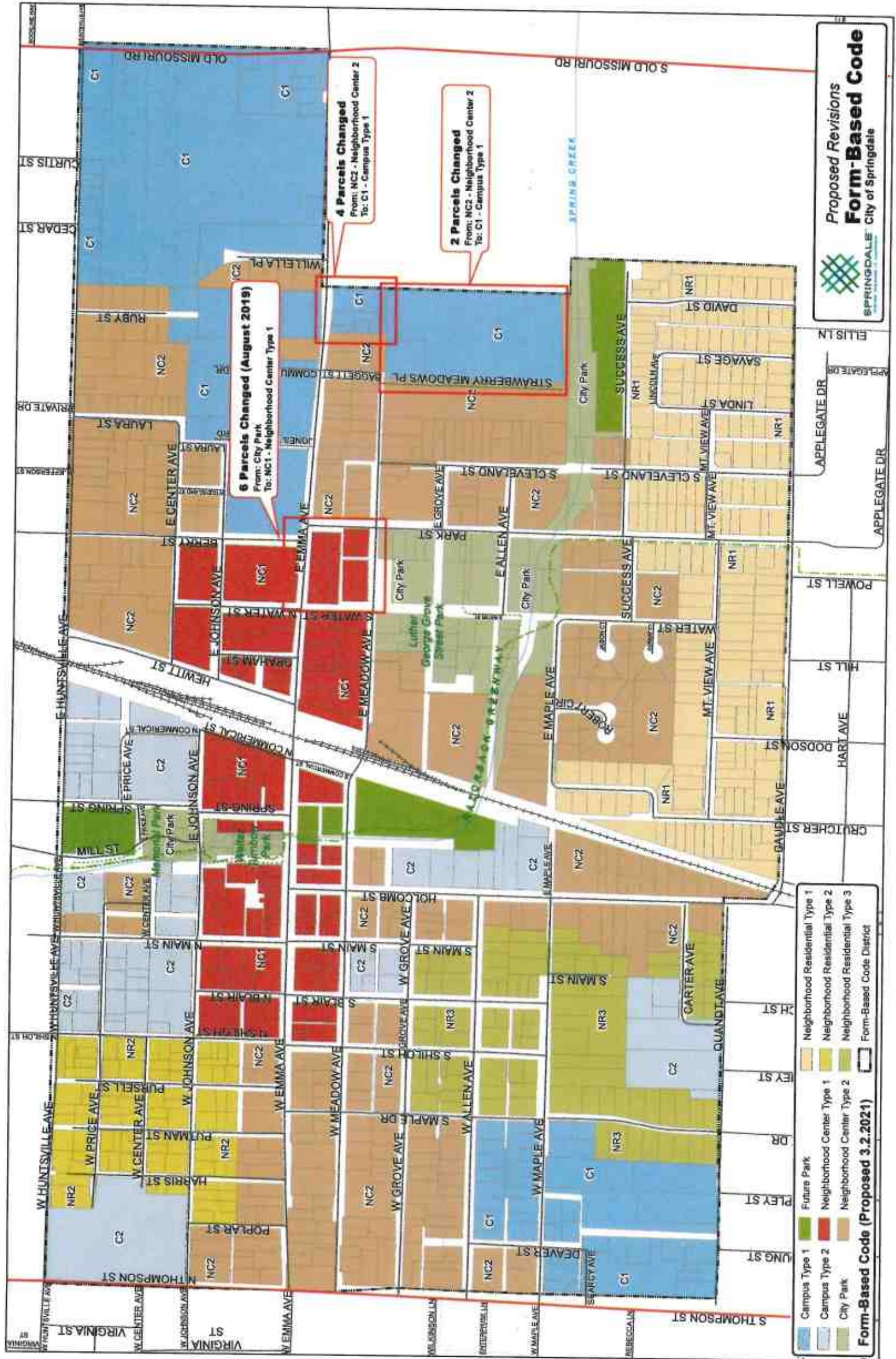
APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

FORM BASED CODE DISTRICT CHANGES
DISTRICT BOUNDARY CHANGES – March 2021

Parcel to be added to the Form Based Code District as Campus Type 1
815-28464-000
815-28463-000

Parcels to be changed for Neighborhood Center Type 2 to Campus Type 1
815-28445-000
815-28445-001
815-28444-000
815-28446-000



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXPENDITURE
OF FUNDS TO ACQUIRE A PORTION OF LAND FROM
KARLEEN KING, FOR THE 40TH STREET PROJECT
(FALCON ROAD TO SPRING CREEK BRIDGE),
PROJECT NO. 18BPS4.**

WHEREAS, the City of Springdale is in need of acquiring a portion of two tracts of land for the 40th Street Project (Falcon Road to Spring Creek Bridge), Project No. 18BPS4, Tracts 22 and 22A, said lands being owned by Karleen King;

WHEREAS, the City of Springdale has determined by appraisal that the sum of \$8,000.00 is the estimated just compensation for the property needed from Ms. King;

WHEREAS, the property owner has extended a counter-offer that the City pay the sum of \$12,740.00 to acquire the lands needed for the project, said amount being based on an increase in the market value of the property since the City's appraisal was conducted, and valuing both tracts of property equally;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$4,740.00 to acquire the property needed from Karleen King, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire a portion of two tracts of land for the 40th Street Project (Falcon Road to Spring Creek Bridge), Project No. 18BPS4, Tracts 22 and 22A, said lands being owned by Karleen King, for the total sum of \$12,740.00 to be paid from the 2018 Street Bond Program.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
KARLEEN KING IS DEFENDANT.**

WHEREAS, the City of Springdale has filed a lawsuit against Karleen King to condemn multi-use trail easements across property owned by Karleen King for the Spring Creek Trail Extension (Project ST1901), Tract 2;

WHEREAS, the City of Springdale deposited the sum of \$46,700.00 into the Registry of the Court as estimated just compensation for the multi-use trail easements across the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the sum of \$51,500.00 to acquire the lands needed for the project, said amount being based on compensation for additional trees located outside the acquisition area, but which need to be removed for the Project;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$4,800.00 to acquire the property needed from Karleen King, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Karleen King condemnation lawsuit for the total sum of \$51,500.00, with the additional \$4,800.00 to be paid from the City's Street Fund.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TRANSFER OF
PROPERTY TO TRAVEL & TRANSPORTATION
INTERNATIONAL, LLC.**

WHEREAS, the City is needing to acquire easements over and across property owned by Travel & Transportation International, LLC, located at 4200 S. 56th Street in connection with the 56th Street South, Phase 1 (Project No. 18BPS11, Tract 7)("the Project");

WHEREAS, the appraised value of the easements needed by the City across the Property is \$4,300.00;

WHEREAS, the City owns real property containing 998 square feet, more less ("the Property"), which is adjacent to the property owned by Travel & Transportation International, LLC, and is an uneconomic remnant (and as shown on the attached Exhibit "A");

WHEREAS, Travel & Transportation International, LLC, has requested that the Property be transferred to it as part of the just compensation for the easements needed for the Project;

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell or transfer real property it owns, subject to approval by the City Council;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute all documents necessary to effect the transfer of the Property to Travel & Transportation International, LLC, less and except all easements as currently existing, and less and except all easements needed by the City over and across the Property for the Project, and said property shall constitute the payment of just compensation to Travel & Transportation International, LLC, for easements needed by the City over and across property owned by Travel & Transportation International, LLC, for the 56th Street South, Phase 1 (Project No. 18BPS11, Tract 7).

PASSED AND APPROVED this ____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND THE
CITY CLERK OF THE CITY OF SPRINGDALE TO
ACCEPT A GIFT OF LAND FROM FELLOWSHIP CLUB,
INC.**

WHEREAS, Fellowship Club, Inc., is desirous of making a gift of land to the City of Springdale, Arkansas, said land being more particularly described as follows:

Part of the Northwest Quarter (NW 1/4) of Section Thirty-six (36) in Township Eighteen (18) North, of Range Thirty (30) West, Washington County, Arkansas, and being more particularly described as follows, to-wit: Commencing from the Southeast Corner of said Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Thirty-six (36), Township Eighteen (18) North, Range Thirty (30) West, run North 984.0 feet to the Point of Beginning; said point being on the centerline of Shiloh Street; thence along said centerline the following bearings and distances: North 06°40'59" West 93.09 feet; North 16°50'51" West 142.60 feet; North 23°44'11" West 79.08 feet; North 12°08'51" West 59.65 feet; thence North 05°18'29" East 52.20 feet; North 13°39'49" East 63.85 feet; North 9°41'49" East 92.65 feet; North 1°46'09" East 389.05 feet; North 3°43'51" West 176.67 feet; North 1°45'52" East 180.25 feet; thence leaving said centerline North 87°32'34" West 227.72 feet; thence North 89°45'59" West 280.39 feet to the centerline of Spring Street; thence along said centerline the following bearings and distances: South 22°58'12" East 101.07 feet; South 0°37'55" West 173.90 feet; South 2°33'14" East 118.62 feet; South 16°47'58" East 93.27 feet; South 56°23'23" East 247.24 feet; South 33°48'29" East 88.86 feet; South 8°01'35" East 226.07 feet; South 5°50'52" East 115.97 feet; South 12°24'31" East 144.28 feet; South 25°13'23" East 107.59 feet; South 63°34'40" East 131.23 feet to the Point of Beginning, containing 8.30 acres, more or less.

Washington County Tax Parcel No. 815-28343-001

WHEREAS, this gift of land will greatly assist with the maintenance and preservation of the Razorback Greenway Trail.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are authorized to accept the donation of the above described property from Fellowship Club, Inc., upon proof being provided that the above-described property will be transferred with good and clear title.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

City of Springdale Zoning Map



February 9, 2021

- ☐ Washington Co. Parcels
- ☐ Benton Co. Parcels
- ☐ LAKES
- ☐ MAIN CHANNEL
- ☐ BUILDINGS
- ☐ RAILROAD
- ☐ STREETS - ALL
- ☐ INTERSTATE
- ☐ RAMP
- ☐ TRIBUTARY

1:4,000



City of Springdale, Clayton Sedberry

P. 43 CHOOLS

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TRANSFER OF
REAL PROPERTY TITLED IN THE NAME OF THE CITY
OF BETHEL HEIGHTS TO THE CITY OF SPRINGDALE.**

WHEREAS, a special election was held on August 11, 2020, in accordance with Ark. Code Ann. §7-11-201 *et seq.*, in the City of Springdale, Washington County, Arkansas, in the City of Springdale, Benton County, Arkansas, and in the City of Bethel Heights, Arkansas, on the question of the consolidation of the City of Bethel Heights, Arkansas, into the City of Springdale, Arkansas;

WHEREAS, a majority of the votes cast in the August 11, 2020, special election were in favor of the consolidation of the City of Bethel Heights, Arkansas, into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-1201, *et. seq.*,

WHEREAS, on August 21, 2020, the Benton County Judge and the Washington County Judge each issued an Order certifying the results of the special election, declaring and consummating the consolidation of the City of Bethel Heights into the City of Springdale, declaring the name of the consolidated municipality to be the City of Springdale, and declaring that the inhabitants thereof shall in all respects be citizens of the City of Springdale, all pursuant to Ark. Code Ann. §14-40-1203(b)(1)(A)(i);

WHEREAS, according to the land records of the Benton County Assessor's Office, the City of Bethel Heights owns several parcels of real property ("the Property") now located in the City of Springdale, Arkansas, and as shown on the map attached hereto as Exhibit "A" and incorporated herein by reference;

WHEREAS, it is necessary to change the ownership of the Property from the City of Bethel Heights to the City of Springdale;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute all documents necessary to affect the transfer of ownership of all real property titled in the name of the City of Bethel Heights to the City of Springdale.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

City of Springdale Zoning Map



February 19, 2021

- ☐ Washington Co. Parcels
- ☐ Benton Co. Parcels
- ☐ LAKES
- ☐ MAIN CHANNEL
- ☐ BUILDINGS
- ☐ RAILROAD
- ☐ STREETS - ALL
- ☐ INTERSTATE
- ☐ RAMP
- ☐ TRIBUTARY

P.45 CHOOLS

1:8,000



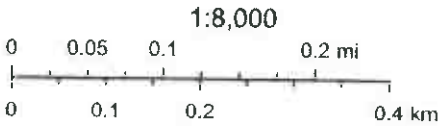
City of Springdale, Clayton Sedberry

City of Springdale Zoning Map



February 19, 2021

- | | |
|---|-------------------------------------|
| <input type="checkbox"/> Washington Co. Parcels | <input type="checkbox"/> LAKES |
| <input type="checkbox"/> Benton Co. Parcels | <input type="checkbox"/> Buildings |
| <input type="checkbox"/> SCHOOLS | <input type="checkbox"/> RAILROAD |
| STREAMS | |
| <input type="checkbox"/> MAIN CHANNEL | STREETS - ALL |
| <input type="checkbox"/> TRIBUTARY | <input type="checkbox"/> INTERSTATE |
| | <input type="checkbox"/> RAMP |



City of Springdale, Clayton Sedberry